Appeal No 3 of 1894-95.

Appellants (Plffs):—

1 Narasanna aged 55 years ~~& others~~

2 Venkatappa aged 48 years.

3 Govindaiya aged 42 years

Respondents (Defts):—

1. Narasimhaiya

2. Ramanna.

4 Ramanna aged 37

5 Krishnappa aged 34

the 5 Plaintiffs are the sons of Narasaiya.

The suit is for recovery of half share in the Shanbhogi of the marginally noted villages of the Tumkur Taluk.

Hebbaka
Amanikere
Narasapura

The Plaintiffs' father Naras was the registered Shanbhog of these villages from before 1847. In 1864 he was still the Baravadi but his eldest son Narasi Devaru was doing the duties. About the same year Subbanna & Gallaya fathers of the 1st & 2nd Defendants claimed the office alleging that Narasaiya was a mere agumas of their father. The Amildar

vide exhs. A & B

The Deputy Superintendent decided that they were Kissedars & directed that they should remain as "Vala Kissedars" but Narasaiya should do Government work.

Vide Exh. I. (Thedale of this order is not giv

Then, On the complaint of the said Subbanna (father of 1st Defdt.), Narasaiya or Chapavani was found guilty of embezzlement & was dismissed & his son Narasi Devaraja was ordered to be appointed. But on Subbanna's further complaint, the Superintendent of Nagar On found Narasi Devaraja also guilty of the complaint's offences, as & and directed both Narasaiya & his son to be dismissed & the "Co-sharer" Subbanna to be appointed. He was registered as Shanbhog in 1871

Vide Exh. C. Letter no 4/ of 25th April 1865.

Vide Exh. B. (last page

In 1873, Subbanna being unfit to work on account of sickness, 4th Plaintiff Ramanna was ordered to do duty on behalf of Narasaiya. Subbanna. Subsequently on Yallappa's representation, the Dy Commr issued order no $\frac{229}{372}$ of 7th July 1873 to the effect that Yallappa should do duty till Subbanna's minor son became competent.

Vide Exh. D., Shekdar Dated 25. 5. 73.

Vide Exh. 2.

P.F. 38894

G. R. S. IX-5]

Previous references. 1894-95

192 .

(L.R.)

File No. 116 of 94

Serial Nos. ~~1-5~~

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—5

Major ~~Part~~ B for September 1894

SUBJECT.

Appeal of Narcesamea and others regarding the Shanthagiri Rock & Helbaka Limestone Qy.

WD 2283--GPB—20,000—14-6-20

Countermeasures

Interests

Subbiah is said to have died in 1878-79. In 1879 1st defdt was called upon to nominate another gumasta in place of Yallappa who died at Kattaikkeri. In November 1879 Ramakka mother of 1st defendant presented a petition to the Amildar praying that Kuzhedan Ramanna be appointed in place of Yallappa.

Vide Exh. E.

Vide Exh. F.

Note:— Ramakka now denies her having presented the above petition

Since Yallappa's death the 2nd defendant Ramanna is said to have been doing the Shanbhogi duties

In 1891 the 3rd Plaintiff Krishnappa claimed the office but he was told to establish his claim by a regular suit.

Vide Exh. H.

The present suit was filed in November 1892. The Assistant Commr who heard the case decreed that Plaintiffs be appointed as Hakkalu to Kaigattare. Bal-

to Defendant's counsel on appeal
dismissed the petition on hearing by
limitation. Hence the present
appeal.

/s/

5

Plaintiffs

1. Karaeimuia
residing at Bellari

2. Venkayya
residing at Gutlūr

3. Govindu Ker-
navaka Naigal

4. Ramanna
residing at Bellary

5. Kristnayya
residing at Cheila
Bellari.

Defendants

1. Narasimuia
Son of Subbanna
residing at Narasapūr

2. Ramanna Son
of Yellamma

Office Records Committee for the State of
Defendant in this cause. On 1864 the
Hearing Complainant for the year ending 1865
Effect that the Register in Chancery with
the Plaintiff's Father to the Plaintiff
of the Circuit Court. He was to obtain
Information of the Complainant against
the Plaintiff's Father that he committed
Fault in connection with his duties per-
taining to the Register - He began with the
Court's Order that the Plaintiff's Father
Show Cause for Non-Performance that the
Election Inspectors Should be appointed
in his Stead - Affidavits were filed by the
Father Complainant Affected to the Division
Superintendent - Memorandum in
Superintendent Civil Office No. 4273/498 dated
25th April 1865 to the Superintendent
Commissioner of Deeds Requesting the
Defendant Father's Commission to the Division
Superintendent - Letter from the Division
Superintendent Civil Office No. 4273/498 dated
25th April 1865 to the Superintendent
Commissioner of Deeds Requesting the
Defendant Father's Commission to the
Complainant or Acceptance.

5. Further that any of the Officers not
registered in the Defendant Commission
since till 1871. Dismissed in 1871.
The Plaintiff was Credited to date
till 1873. The Election Civil Order dated
dated 25th May 73 Affected to the Division
No. 167 Found from the Valuation Roll
with the Register to be from the District-

Judgment that the Plaintiff's do recover against the defendants, Mary Ann Butler & Elizabeth Butler the costs of this motion & the defendants costs of suit.

6. That the Plaintiff's costs of this motion forthwith after taxation. Subsequently the said Elizabeth Butler & the defendant Mary Ann Butler costs of suit & the 2nd defendant was appointed by consent the duties of Guardian to the 1st defendant Mary Ann Butler.

7. Subsequently the said Elizabeth Butler & 2nd defendant consented the duties of Guardian for three years and died. Whereupon this Court the 2nd defendant began to consent the duties of

8. That the 1st defendant Mary Ann died on the 18th day of September 1878 & the 1st defendant was a minor at the time his mother and Guardian Catherine presented a petition on the 18th December 1878 praying that would the Guardian taken from the 1st Plaintiff's & the said Mary Ann's costs paid out of

9. That the 1st Plaintiff presented a petition to this Court on December 1879 and another petition to this Court on March 1881 praying that the Official Guardian Mary Ann be appointed the Guardian of the said Mary Ann & that the Plaintiff's costs of suit be paid out of the funds of the said Mary Ann in the hands of the

frequent conduct the complaint with.

6. The other Principle the Plaintiffs
pleads and the Exception the Plaintiffs
Counsel-replies, from the affirmative Character
does not-
Counsel-nullify the Pleas of the Plaintiffs.
It is not incumbent thereon that the
Plaintiff is Excluded from the Office.

11. Inasmuch the Plaintiffs are entitled to
the full Pleas of the Chamberlain ship
since it was created in 1814 that the 1st
Defendants pleas was Participated
and since he was appointed to the Office
as Deputy he was Responsible
as Principal about the full Salary
and Fees pertaining thereto.

12. The Assignment of the 1st Defendants
pleas to the Office does not vitiate the
Pleas of the Plaintiffs to their Pleas nor
is it Unconstitutional. The 2nd Defendants
Counsel argues that the 1st Deputy Pleas
should cancel the Pleas, does not cause
other Pleas to be Barred Contra -

13. The Plaintiffs have Pleas to Sue
their Principal and the 1st Defendants
pleas and the Counter-Pleas of 2nd Defendants
pleas Supposed that Participation to
now.

Lastly
14. The fundamental Principles which Con-
-Sideration the Pleas of the Pleas and

the Village officers, Inhabitants, Freeholders, and Proprietors of Lands lying in and adjacent to the Village of Geneva, for the purpose of preventing fires in the Village of Geneva, and for other purposes.

Passed April 12th 1813.

The Trustees of the Village of Geneva do ordain and direct, that the Inhabitants, Freeholders, and Proprietors of Lands lying in and adjacent to the Village of Geneva, be and they are hereby divided into Districts, as follows, that is to say:

1st. All that part of the Village of Geneva lying and being on the East side of the Canandaigua outlet, and on the North side of the Seneca turnpike road, and on the West side of the Geneva and Canandaigua turnpike road, shall be and the same is hereby constituted the first District.

2d. All that part of the Village of Geneva lying and being on the East side of the Canandaigua outlet, and on the South side of the Seneca turnpike road, and on the West side of the Geneva and Canandaigua turnpike road, shall be and the same is hereby constituted the second District.

3d. All that part of the Village of Geneva lying and being on the East side of the Canandaigua outlet, and on the North side of the Seneca turnpike road, and on the East side of the Geneva and Canandaigua turnpike road, shall be and the same is hereby constituted the third District.

4th. All that part of the Village of Geneva lying and being on the East side of the Canandaigua outlet, and on the South side of the Seneca turnpike road, and on the East side of the Geneva and Canandaigua turnpike road, shall be and the same is hereby constituted the fourth District.

5th. And be it further ordained by the Trustees aforesaid, That the Inhabitants, Freeholders, and Proprietors of Lands lying in and adjacent to the Village of Geneva, shall meet at the Court House in the Village of Geneva, on the first Monday of May next, at the hour of ten o'clock in the forenoon of that day, and then and there proceed to choose by ballot, one Fire Warden for each District, and that the Inhabitants, Freeholders, and Proprietors of Lands lying in and adjacent to the Village of Geneva, shall meet at the Court House in the Village of Geneva, on the first Monday of May in every year hereafter

Ref: O. S. No. 4 of 1892-93 on the file of the Munsif Court

Plaintiffs

1. Narasimma
2. Venkatappa
3. Lovidra
4. Ramanna
5. Krishnappa

vs.

Defendants

1. Narasimmia
2. Ramanna

Written statement of the defendants.

1. The office of Shanbogue under dispute does not belong to the hereditary Watan of the Plaintiffs

2. This office had been the self acquired property of the Plaintiffs father.

3. Previous to the acquirement of the Watan to this office by the Plaintiffs father it had belonged to defendants grandfather Pattia and their great grandfather Dasa-ria -

4. As the Plaintiffs father Narasia was the Son-in-law of the defendants' grandfather Pattia the management of these Villages had been entrusted to him. The defendants' grandfather Pattia was not present then in his Village and the Plaintiffs father taking advantage of this fact it recorded in the Register of 1847 (Varshaven) that he was himself was the Watandar. The 1st defendants father Soobbanna and the 2d defendants father

Egellaama having disputed about the matter it was decided in 1864 that they were Hipedars.

5. The Plaintiffs' father who was an Halladar and the Plaintiffs Eldest brother who was conducting the duty having committed some fraud about Government Cases and Embezzled Government money the District authorities dismissed only the former and respected the latter's name in the office. Hence the Plaintiffs were entered in the Register at the time as Hipedars in their brothers "Shikkeni" when appeal was made against the above order the Plaintiffs' Eldest brother was also dismissed the service and the 1st Defendants father Coobbamma was appointed in his stead. When Coobbamma's name was registered in the office as aforesaid the Plaintiffs names were not entered as Equal Hipedars with Coobbamma - In the Shikkeni ipined for registering Coobbamma's name no mention is made of the Plaintiffs as possessing Hak to the Hipe - nor is the Hak included in it.

6. Since the registering of the office in Plaintiffs' Eldest brothers Narasidevaria's name in 1864 as aforesaid was not confirmed the fact that the Plaintiffs' had been entered in the Register as Hipedars to their brother would be of no avail -

Rejected the proposal 10

18. The Plaintiff has leave for the Defendants amendment from the declaration which they rejected the proposal.

19. The Plaintiffs pray for judgment declaring that the Plaintiffs are entitled to the Right of the office of Chairman of the New Village &c. Maintain, Defendants Commissioners and Secretary, referred to in the Deed, to have the Village administered in their District and office to the Plaintiffs during pleasure and during the Village and maintain the Injunction as prayed to have the office of Chairman of the New Village decided and declared by them to the Plaintiffs and Defendants by Jurors for a period fixed by the Court. To have the Court Cost of the Plaintiffs paid by the Defendants and Plaintiffs such other relief as the Court may deem proper.

7. Ne pleading the 4th Amendment to the Constitution of the United States adopted in the year 1791. Specifically as applied to the States by the Fourteenth Amendment in the year 1868. Specifically as to the right of the people to be secure in their persons houses papers and effects against unreasonable searches and seizures and that no warrants shall issue but upon probable cause supported by oath or affirmation and particularly describing the place to be searched and the persons or things to be seized.

8. Ne pleading the 5th Amendment to the Constitution of the United States adopted in the year 1791. Specifically as to the right of the people to be secure in their persons houses papers and effects against unreasonable searches and seizures and that no warrants shall issue but upon probable cause supported by oath or affirmation and particularly describing the place to be searched and the persons or things to be seized.

9. Ne replication that the said defendant of his own wrong and without the cause alleged in his plea did the said trespasses. Ne plaintiff ready to verify.

10. Ne issue joined.

11. Ne trial by plaintiff according to law.

12. Ne verdict for the plaintiff for the sum of [illegible] dollars damages and costs of suit.

13. Ne plaintiff to have execution for his damages and costs aforesaid.

14. Ne judgment entered.

14. Quod ita persequi, videamur, ut
sit magis magnificum, quam verum.

B. 15

Extract from the Public Records of
1854 - Passed at the Session
of the Legislature of
Pennsylvania and the Acts.

An Act to regulate the Practice
of the Courts of Law in this
Commonwealth. Whereas, Doubts
have arisen and Difficulties
have occurred in the Practice
of the Courts of Law in this
Commonwealth, by reason of the
Existence of Certain Rules of
Practice, Forms of Writs, and
Modes of Proceeding, which
have been adopted by the Courts
of Law, and which are not
Regulated by Law, and
it is Expedient that the
Same should be Regulated
by Law, Therefore

Be it Enacted by the Senate and
House of Representatives of the
Commonwealth of Pennsylvania in
General Assembly met, and it is
hereby Enacted by the Authority
of the same, That from and
after the passing of this Act
all Writs, Rules, Forms of
Proceeding and Practice
of the Courts of Law in this
Commonwealth, shall be
Regulated by the Rules
of Practice, Forms of Writs
and Modes of Proceeding
which are now in force
in the Supreme Court
of this Commonwealth
in the Middle District
of Pennsylvania, except

Subbamma's hands are shaky from sickness it might be caused hereafter and that consequently by retaining Subbamma's name in the register work might be taken from Ramanna on Subbamma's responsibility so that the current work might be carried out without any obstacle. Vakeel No. 67 is received from the Zaluk.

All the accounts and records that are with Subbamma should be taken from him and work to be carried out properly.

E

Notice of 16 Septr. 1879. issued from the Tumkur Zaluk to Narasimmia Son of Subbanna Chandapur Hobbalu and other Villages.

Yellamma who conducts the work on your behalf as Gumasta not only evades his appearance on some pretence or other during Jamabandi and other occasions and fails to furnish accounts but he has not as yet closed up the last years accounts. Since he has not written up current years accounts and has not conducted any of the Government duties properly, by through the notice, sign it and produce a competent Gumasta within three days from the date of receipt thereof. If you fail to do so take notice that a competent Gumasta would be nominated by Government

Order of the Dy. Superintendent
against the order of the registry
made by the Arachchi on due En-
-quiry - Vide statement of appeal.

Read the appellants' (Gallamma,
Loobbamma Chambopa of Hebbeda
Narasapura) depositions dec.
Since he appears to be a Paldar
and since as a proof thereof he
had been enjoying the Inam land
the appellant should be a
"Vala Hipedar". The Respondent (Karasi
-devaru and Narasamma) should
alone ~~should~~ carry out the govern
-ment work.

Lof. A. J. Bruce.

Rec. 42 73/498 dated 25th April 1865 relating
that since then he had just learnt
appointed Harrisdurania to the office
as the former that he could not be found
liable to the office annulled by his failing
and since Harrisdurania was liable
Contributory to date. Though his failing
Harrisdurania was the Respondent, both
the parties and the Commissioners the decision
and that if the Complainant Cockburn
is competent he should be appointed in place of Harrisdurania
to the office. Harrisdurania was appointed
with the same powers and the
same should be stuck off the Register and
since the said other parties decided that
if the Complainant Cockburn was
competent he should be appointed to
the office and since the said Cockburn
was during the injection of the Register
mentioned as that his name should
from the date of the Register
for the Manchester Harrisdurania Insurance
Company and other things and work
Calculation Coin - the Manager and
Messrs Allsebrook Office Chronicles
the Standard Share - Chronicles Cockburn
Complainant Mr Dixon Rating that since of the
above cross the name was not entered
to be entered into the Register and Petition
No. 65 of 6th May 87 was issued from
the Court that decided that effect should
be given to the decision cross - accordingly

5. 28

The following is the Mahazar pre-
-pared by the undersigned Panchayetdars
Villages of the four Villages and the men
belonging to the Barabaluti Service and
the Kaivada of the aforesaid Villages,
in favor of Yellamma and Loobbamma
freedmen of Dawaria Kadeem Hakdar
to the office of Shanbogue of Hebbaka,
Hebbakada Amanikere and Narsa
-pura, Nuncklur Hobli, Tyamboor Taluk.
residing at Pulur on the 9th
September 1862 (Equivalent to 11th day of
the dark fortnight of Badrapada
of the year Dundubhi)-

Whilst you are the Hakdars of the
office of Shanbogue of Hebbaka and
Narasapura Narasimmappa, who
was appointed by your father Putta
to conduct the duties of the office and who
having conducted and enjoyed the office
for some time, now, as you state, refuses
when asked to vacate the office alleging
that he is the Hakdar and that you
have no concern with it. Consequently
you have asked us to get a Mahazar
prepared for you and to contain in the
purport of what we know about
the matter. In compliance therewith
we state what we know and what we
heard about it from our Elders which
is as follows:

[illegible] to comply with
[illegible] [illegible] for
the said Company and [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible]

29 1.

Jean de Beaulieu Notaire
Royal de la Prévôté d'Orléans soussigné -

Vu la Requête présentée par
Pierre Mathieu Vigneron demeurant
à Saint Denis les Ormes, Province d'Orléans
Ayant pour Procureur ad hoc Maître Jean
Pierre Chevallier Procureur en la Cour
Royale d'Orléans, à ce qu'il plaise à Monsieur
le Prévôt d'Orléans ou son Lieutenant
Civil Commissaire à ce député, Ordonner
que les Scellés apposés sur les effets
de la Succession de feu Jean Baptiste
Mathieu Vigneron, Père du Requérant
par Procès verbal de Maître Jean
Pierre Chevallier Procureur Royal en
date du 27 Juin dernier
lui seront levés et Inventaire fait
en présence de Maître Jean Pierre
Chevallier Procureur Royal, Maître
Jean Pierre Chevallier Notaire Royal
Maître Jean Pierre Chevallier Huissier
Audiencier en la Cour Royale d'Orléans

We know very well and we have heard that your grandfather Davaria ij the Kadiru Vakkar of the office of Shanbogue of Hebbalka and Narasapura above referred to. The following were the persons who were conducting the duties of the office as pumashas at the responsibility of the Vakkar who was enjoying the Inam lands and other lands attached to the office and half of the aya, Swamya, Dere, Inirasi dey and the other half having been enjoyed by persons conducting the duties.

1. Muddaramyappa Shanbogue of the Village and the Kore having continuously conducted the duties for 30 years received the Inirasi as detailed above.

1. After him Venkatappa Shanbogue of Heggere having been engaged for this work he has also enjoyed the Inirasi as stated above by.

1. Subsequently the said Davaria having died and his son Pattia having been a minor at the time he appointed one Korada Kashavendria who was a Peial School master at Hebbalka to the office, for the accounts &c. prepared by him and allowed him half of the Inirasi for his maintenance.

1. In the year Akshaya and during the regime of Amildar Kuppanna as the Sarkarkoon of Hebbalka had to be carried out the Amildar sent for Pattia Shanbogue

Since we are of opinion that the
Mahdowri bellii offii of Mauzapore of
Hebbalka and Narainpur belong to
b' Pellamma and Loobhamma Praid.
-sons of Davaria residing at Pulur
and b' Kunta no others who we have
prepared this Incharger as b' the
actual fact.

Le Collège Royal de Marine de Toulon, mit les Maisons, Fiefs, & Jardins qui sont à Royal de Notre Dame fermé par les Calles.

Dales 24-7-73.

Pet 177

30-7-94

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

L.R. 116-94-2

The accompanying Petition No. 167

dated 12. July 1894 received at the

Dewan's Office from Narasamma a

40 ors. by Vakil represented by Advocate Mr. S. Narayana

Row Bangalore appealing against

the decision of the Dy. Commr.

Tumkur Dt. in a.S. no. 4 of 1893-94

on the bill of his court regarding

a the petitioners' huts in

the Shanbogi of Hebbakka

Hebbakka amanikere,

and Narasapura

Tumkur Taluk

is forwarded, together with its Two

enclosures, to the Dy. Commr. Tumkur

District, for submission

of the entire proceedings

connected with the case

No 10 "Proceedings

2. The petition with its

enclosures should be

returned

To Asst. Read the file

By Order,

Draft 27/7/94

Chief Secretary.

BANGALORE,
27 July 1894.

30.

Sd/- 27/7

27/7

M. G. C. P. Bangalore.—21-11-92—3,000.

And the said Isaac Hedges & Martha his
wife and Isaac Hedges & Elizabeth his
wife and Isaac Hedges & Margaret his wife
did acknowledge the said Indenture of
Bargain, Sale & Release & every part
& parcel thereof & desired that the
same might be recorded according to Law
& Custom & the said Isaac Hedges
for himself & Martha his wife & Elizabeth his wife
& Margaret his wife did covenant & agree to
& with the said Isaac Hedges his heirs
& assigns that they the said Isaac Hedges
& Martha his wife & Elizabeth his wife
& Margaret his wife or some of them
shall & will at the request & costs
of the said Isaac Hedges his heirs & assigns
do & perform all & every such further
& other lawful & reasonable act & acts
thing & things device & devices whatsoever
for the better & more perfect assuring
& conveying the said Messuages Lands
& premises hereby granted & released
or intended so to be unto the said
Isaac Hedges his heirs & assigns as by the
said Isaac Hedges his heirs & assigns
or his or their Counsel learned in the Law
shall be reasonably advised or required
In Witness whereof the said parties
to these presents have hereunto interchangeably
set their hands & seals the day & year
first above written.

Sealed & delivered in the presence of
Thomas Hedges Junr
Joseph Hedges
Jacob Hedges

Isaac Hedges
Martha Hedges
Elizabeth Hedges
Margaret Hedges

Memorandum that on the day of the date
hereof the within named Isaac Hedges
Martha his wife Elizabeth his wife
& Margaret his wife did deliver unto
the within named Isaac Hedges the
within written Indenture & every
thing therein contained & did
acknowledge the same to be their
Act & Deed. And the said Isaac Hedges
did then deliver unto the said
Martha Hedges Elizabeth Hedges
& Margaret Hedges a Counterpart
of the within written Indenture
to the Intent that they might
have the same recorded according
to Law & Custom

Sealed & delivered in the presence of
Thomas Hedges Junr
Joseph Hedges
Jacob Hedges

(General Serial No. 32.)

(2)

1894

No. 167 of 94

Name of Petitioner: Lakshmanna & others

by their Pleader Narayana Rao

Village:

Taluk: Bangalore

District:

Date of Appl: 12-7-94

Date of Receipt: 13-7-94

Date of Disposal:

No. of Enclosures.

ABSTRACT.

Appeal against the judgment of the Deputy Commissioner, Bangalore District in Revenue Appeal case No. 4 of 1893-94, in re the Grantship of Hebbathi Hebbathi Channakere & Varasahalli villages in Bangalore Taluk.

(1)

87

MYSORE COURT FEE

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT.
REG'D. NO. 167-E
DATE 13-7-94

167
Embossed
2.
5 55
6-9-94

A. S. No 3
94.95.

The Government of His Highness the
Maharaja of Mysore.

Decree 2nd Appeal etc 1893

Appellants.

1. Narasamma.
2. Venkatanarasiya.
   Minor by her guardian
   and mother Narasamma
3 Gowridia.
4 Ramamma.
5 Krishnappa.
(Plaintiffs).

Respondent

1 to Narasimhayya
2 Ramamah
(Defendants)

The appellants above named most respectfully beg to appeal to this Honourable Court against the judgment of the Deputy Commissioner Tumkur District in Tumkur appeal case No 4 of 1893-94 on the following grounds:—

1. The learned Respondent Commissioner erred in holding that the claim of plaintiff is barred by the law of limitation.

C.R.

2. The office being held by one of the Hissadars the rights of the other sharers cannot become barred as the Government permits only one of the sharers to do the duty at a time.

3. The father of the 2nd Respondent who was doing the duties of the Shanbogy having died 4 or 5 years ago the right of the plaintiffs to be appointed to do the duties of the office during the life time of one of them accrued about this time.

4. The learned Acting Commissioner failed to appreciate the nature of the case.

5. The decision of the Lower appellate Court is against the weight of evidence and probabilities of the case.

For the foregoing reasons the appellants pray that the Government will be graciously pleased to permit them to hold the office at least for the life time of one of them.

Bangalore
12th July 1894.

A. Narayana Rao
for Appellants.

Heard Remarks
of Court
(2) Written Statement
(3) Material Exhibits
22/7/8

L.R 116-94-3

(General Serial No. 30.)

1894.

OFFICE OF THE
6 AUG 94
R. 94

From The Deputy Commissioner of Canara District

(4)

To

The Chief Secretary to the ~~Devan~~ Govt of Mysore.

Dated 1st August 94

Despatched

Received

Enclosures No. Nil

~~General No.~~
No. 120

Fie official Memo. No. R&T 177 dated 7th July 94

Submits the entire proceedings connected with the Shanbogueship of Heibka amicably arranged in the Sirsi Taluk.

Put Memo
6/8

Read
7/8

No 120

36

Sunkisi District
Deputy Commissioner's Office
Sunkisi 1st August 94

To

The Chief Secretary to the
Government of Ellycore

Sir,

As required in your official
Memorandum No. Pol 177 dated the 27th
July 94, I have the honor to submit
herewith the entire proceedings in
connection with the Shanbagne Court
of Sebiaka, Feilaka Samanadee
and Narcapur in the Sunkisi Taluk

2. The enclosures of the official
Memo: under reply are herewith
returned.

I have the honor to be
Sir
Your most obedient servant

[illegible]

Deputy Commissioner

Before the Government of *His Highness* the Maharaja of Mysore.

(7)

37

Appeal No. 3 of 1894-95.

Appellants	Vs.	Respondents
1 Ramanna 2 Venkatappa son Venkatanarah 3 Govinda 4 Ramanna 5 Srinivasa represented by Mr. S. Narasimhan Advocate		Ramanayya 2 Ramanarasimhaiya represented by Mr. K. T. Narasinga Iyengar, advocate.

L.R. 116-96-4

Decision. Dated 28th August 95.

Ramanna, the father of appellants no. 1. 3. 4. 5 and the grandfather of no. 2 who was adopting of Venkata and the more village was alienated from office for encroachment sometime before 1860, and his adoption Ramanayya, limited in his share, but the latter also having been found to have participated in the encroachment of his father he was dismissed in 1860, and Lakshmana, the late father of the 1st Respondent

Who

who was appointed
in his place 26 December 1902,
Appellant brought a suit for
the office and his said Commissions
proved at Trial by the
register of Hermiston, but
decided to put him in possession
of office. The Deputy Commissioner
however, on appeal reversed the
Decree of the Lower Court and
dismissed the suit in the grounds
that it was barred by the Law
of Limitation.

2 The Writ of possession
of the office is not barred
by the Law of Limitation, and
the Deputy Commissioner was
right in dismissing the
Government has no power to
the appellants should not be
registered as Hermiston, so that
their claim may be considered
when a vacancy occurs. Thus

to writing to their agent in
Jamaica requesting him to
transmit a statement of the
Account. He therefore thinks
it necessary, as the Jamaica
Government may require
therefore some statement
of the Expenditure before
they pay the Account, to
obtain such a statement
from the Agent, and that there
may be sufficient time
for such a statement to
reach us before the
Session of Parliament

"By order"

Secretary

Copy forwarded to the Agent
Commissioner, Jamaica Office
with the request that
receipt may be acknowledged

Dated 12th August 1894

"By order"

Secretary

Agent Commissioner
Jamaica

CCC
31/8/94

Ack
2/8

Ack
11/9

(9)

IR 116-94-5

4-9-94

By order

Draft

Chief secretary